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HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No.758/2006

**CORAM: Hon'ble Shri S.R.Nayak, Chief Justice &
Hon'ble Shri Dilip Raosaheb Deshmukh, J.**

Petitioner : Jai Prakash Jha, aged 56 years, son of
Shri Babu Datta Jha, caste Brahmin,
resident of 517, Brindavan colony,
Jagdalpur, district Bastar
(Chhattisgarh)

Versus

Respondents : (1) State of Chhattisgarh represented by
Secretary, department of Public Trust
Endowment, Raipur.
: (2) The District Collector, Jagdalpur,
district Bastar (C.G.)
: (3) The Registrar (Public Trust) & Sub
Divisional Officer (Revenue/Civil),
Jagdalpur (C.G.),
: (4) Sudhanshu Shekhar, son of late Shri
Abhimanyu Rath, resident of Shiv
Mandir ward, Jagdalpur, district Bastar
(C.G.)
: (5) Raman Lal Shrivastava, aged 45 years,
adopted son of late Shri Kishori Lal
Shrivastava, original son of late Shri
Ram Lal Shrivastava, resident of Shiv
Mandir ward Jagdalpur, district Bastar
(C.G.)
: (6) The First Civil Judge Class 1, Jagdalpur,
district Bastar (C.G.)
: (7) Raman Shukla, advocate, aged 58 years,
resident of High School Road, Jagdalpur,
district Bastar (C.G.)
: (8) Hemlal Shrivastava, aged 53 years, son
of Shri Gorelal, resident of village
Kalipur, P.O. Dharampura, tehsil
Jagdalpur, district Bastar (C.G.)
: (9) Puran Lal, aged 45 years, son of Shri
Krishna, resident of Dokrighatpara,
Vijay ward, Jagdalpur, district Bastar.
: (10) Duryodhan Lal, aged 44 years, son of
Shri Gorelal, resident of Kalcha, P.O.
Madpal, tehsil Jagdalpur, district
Bastar.

- : (11) Sheikh Wahid Qureshi, aged 70 years, son of Shri Sheikh Karim, resident of Bhairamdeo ward, Jagdalpur, district Bastar.
- : (12) Neelu, aged 47 years, son of Shri Jailal Bagh, resident of Mahadeoghat, Jagdalpur, district Bastar (C.G.)
- : 13. Rajendra Prasad, aged 47 years, son of Shri Om Lal Shrivastava, resident of Vijay ward, Jagdalpur, district Bastar.

Shri Somnath Verma, Counsel for the petitioner.

Shri Vinay Harit, Dy. Advocate General for the State.

ORAL ORDER

(Passed on 20th March, 2006)

The following oral order of the Court was passed by
S.R.NAYAK, C.J.

If we say so, this writ petition is totally misconceived. It is directed against a decree passed by a Civil Court. The complaint of the petitioner-trust is that the 5th Respondent herein having filed a Civil Suit for declaration and permanent injunction with regard to the property of the petitioner-trust was able to secure a favourable ex-decree in his favour. It is contended that the decree passed by the Civil Court is nullity in the eye of law being one without jurisdiction; it was also bad in the eye of law as necessary and proper parties were not made to the suit. There is no need for us to pronounce upon the above contentions urged before us by the learned counsel for the petitioner. Suffice it to state that if the suit scheduled-property is property of the petitioner-trust as claimed by it and the petitioner-trust and its trustees are not parties to the suit, the petitioner could defend itself against any action that may be taken on the basis of the impugned civil decree.

2. Article 226 power cannot be invoked to review the validity or correctness of a Civil Court decree and on that short ground, we dismiss the writ petition, however, leaving open all the contentions

raised in this writ petition to be pressed into service by the petitioner in an appropriate legal proceeding, if any such occasion arises.

Sd/-
Chief Justice

Sd/-
Dilip Raosaheb Deshmukh
Judge

Anjan